

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 42848 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- SIWAN RAIL P.S. District- Saran

Khush Mohammad Son of Navi Rasul R/O Vill.- Naskhua Bridge Nahar, P.S.-
Town, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan No.II, Adv. with Mrs. Anjana Gupta, Adv.
For the Opposite Party/s	:	Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Siwan (Thawe) Rail P.S. Case No. 55 of 2022 lodged under
Section 379 of the I.P.C.

As per the prosecution case, the F.I.R. has been
lodged by the informant stating therein that when she was in
journey by rail, then the different articles mentioned in the F.I.R.
total amounting Rs. 4,97,500/- has been subject to theft and,
therefore, the present case has been filed.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. Counsel further submits that in the present case, his name has been remanded due to the reason that he is accused in a similar type of case. Counsel submits that petitioner is in custody since 09.04.2022. Nothing incriminating has been recovered from his possession nor he was put on T.I.P.

Learned counsel for the State opposes the prayer for bail and submits that it is true that the case has been filed against unknown and nothing has been recovered from the possession of the petitioner.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned R.J.M. Sonpur (Saran) in connection with Siwan (Thawe) Rail P.S. Case No. 55 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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